

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): William N. Borkan Conf. No.: 9020
Serial No.: 10/712,053 Art Unit: 3766
Filed: November 14, 2003 Examiner: Gedeon, Brian T.
For: **CATHETER LEADS FOR THE INTRATHECAL SPACE AND METHOD
OF USE**

**TERMINAL DISCLAIMER
TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR ART PATENT**

Commissioner for Patents
P.O. Box 1459
Alexandria, VA 22313-1450

The Owner, Electrovest, Inc., with a business address of 12000 Biscayne Boulevard, Suite 500, Miami, Florida 33181, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the prior patents, U.S. Patent No. 6,510,347, which issued January 21, 2003. The Owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the Owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173, of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned attorney is authorized to act on behalf of the assignee.

The Examiner is invited to contact the below-signed attorney if any further assistance is required.

A check for the required fee of \$130.00 is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Barnes & Thornburg LLP Deposit Account No. 02-1010 (829/36582Div).

Respectfully submitted,

Perry Palan
Registration No. 26,213